

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

Devin G. Nunes,)	Case No. 5:19-cv-04064-CJW-MAR
)	
Plaintiff,)	
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	

NuStar Farms, LLC, Anthony Nunes, Jr.,)	Case No. 5:20-cv-04003-CJW-MAR
and Anthony Nunes, III,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	

Defendants' Notice of Supplemental Authority

For consideration in connection with their Resistance (ECF No. 87, "Res.") to Plaintiff Devin Nunes's Motion for Leave to File a Second Amended Complaint, Defendants Ryan Lizza and Hearst Magazine Media, Inc. submit this notice of important supplemental authority.

Yesterday, the United States Court of Appeals for the Second Circuit entered an opinion (the "Second Circuit Opinion," or "CA2 Op.") in *Nunes v. Cable News Network, Inc.*, No. 21-637. A copy is attached hereto as **Exhibit A**. The Second Circuit Opinion affirmed the judgment of the district court in *Nunes v. Cable News Network, Inc.*, 520 F. Supp. 3d 549 (S.D.N.Y. 2021), dismissing Devin Nunes's libel case with prejudice. *See also* Res. 16 (citing to

the district court's decision). Notably, the Court affirmed the district court's ruling that California law applies to Devin Nunes's claim for defamation, holding that California is the state where he suffered the greatest reputational injury, *see* CA Op. 13, 24, and that Nunes failed to comply with California's retraction statute or plead special damages with the necessary specificity under Fed. R. Civ. P. 9(g), *see* CA2 Op. 31-32.

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Dated: April 15, 2022.

**Ryan Lizza and Hearst Magazine Media, Inc.,
Defendants**

/s/ Nathaniel S. Boyer

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**Admitted Pro Hac Vice*

Attorneys for Defendants

Certificate of Service

The undersigned certifies that a true copy of **Defendants' Notice of Supplemental Authority** was served upon the following parties through the Court's CM/ECF electronic filing system on April 15, 2022.

Copy to:

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